

SYNOPSIS

Rule 111-2-1 Health Planning Administration

Rule 111-2-1-.02 Health Planning Functions of the Department

STATEMENT OF PURPOSE AND MAIN FEATURES OF PROPOSED RULE

The purpose of this proposed amendment in totality is to modify existing regulations in light of changes in the Certificate of Need statute, O.C.G.A. § 31-6 et seq., due to the passage of Senate Bill (SB) 433 in the 2008 Georgia General Assembly. SB 433 necessitates extensive revision to the existing administrative rules for certificate of need. The revisions are outlined in detail below.

DIFFERENCES BETWEEN EXISTING AND PROPOSED RULES

Various grammatical and punctuation errors and omissions were corrected throughout the existing version of the regulations.

The language of Rule 111-2-1-.02(1) is amended by deleting the words "adopted by the Health Strategies Council".

Rule 111-2-1-.02(2)(b) is revised to reflect the State Health Plan is submitted to the Board of Community Health for approval.

Rule 111-2-1-.02(2)(g) is revised to replace "Review Board" with "Certificate of Need Appeal Panel".

111-2-1-.02 Health Planning Functions of the Department.

(1) The Department is authorized to administer the health planning and certificate of need programs established under O.C.G.A. Title 6 and a state health plan ~~adopted by the Health Strategies Council and~~ approved by the Board. The Department shall provide by rule for procedures to administer its functions. As appropriate, the Commissioner may delegate the authority to administer any function or duty prescribed by law or these Rules to one or more authorized designees in the Division of Health Planning and the Office of General Counsel.

(2) The functions of the Department shall be:

(a) to conduct the health planning activities of the State and, within appropriations made available by the General Assembly and consistent with the laws of the State of Georgia, to implement such parts of the State Health Plan as may relate to State government;

(b) to prepare and revise a draft State Health Plan for ~~submission to the Health Strategies Council for adoption and~~ submission to the Board of Community Health for approval;

(c) to assist the Health Strategies Council in its functions;

(d) to adopt, promulgate, and implement rules and procedures necessary to carry out the provisions of O.C.G.A. § 31-6 in accordance with O.C.G.A. § 50-13, the "Georgia Administrative Procedure Act."

(e) to define the form, content, schedules, fees, and procedures for submission of applications for Certificates of Need and periodic reports;

(f) to establish time periods and procedures consistent with O.C.G.A. § 31-6 to hold hearings and to obtain the viewpoints of interested persons prior to issuance or denial of a Certificate of Need;

(g) to provide for such payment as may be necessary to share the costs of preparing the record for Certificate of Need appeals before the ~~Review Board~~ Certificate of Need Appeal Panel;

(h) to provide for a reasonable and equitable fee schedule for Certificate of Need applications; and

(i) to grant, deny, suspend, rescind, cancel, or revoke a Certificate of Need as applied for or as amended.

(j) to impose civil penalties as permitted or required by law for violation of these Rules and O.C.G.A. § 31-6.

Authority O.C.G.A. §§ 31-5A et seq. and 31-6 et seq.